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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,341	07/18/2003	Yuhua Tong	D/A2433	4810

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EXAMINER

RODEE, CHRISTOPHER D

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,341

Applicant(s)

TONG ET AL

Examiner

Christopher RoDee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,14,16 and 18-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,14,16,18 and 20-40 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-7, 10, 12-14, 16, 20, 21, 23, 26, 28-30, 36, 37, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasuya *et al.* in US Patent 5,480,759.

This rejection was presented in the last Office action. Kasuya discloses a photosensitive drum having a conductive support, an underlayer, a 0.5 μm thick charge generation layer, a 20 μm thick charge transport layer, and a 6 μm thick surface layer having charge transport functionality having 3 parts by weight of a fluorinated carbon fine powder, 5 parts of a polycarbonate binder resin, 0.3 parts of a perfluoroalkyl acrylate-methyl methacrylate polymer, 2.5 parts of a charge transporting triphenylamine, and between 0.1 and 10 ppm of FeCl (see col. 29, l. 6-34; col. 4, l. 4-9). This charge transport layer contains 46.3 % by weight of the polycarbonate, 2.8 % by weight of the perfluoroalkyl acrylate-methyl methacrylate polymer, and 23.1 % by weight of the charge transport compound. The Examiner notes with appreciation applicant's attention to an editorial error in the last Office action concerning the amount of the charge transporting triphenylamine. However, as noted by applicants, this error does not alter the reasoning for the rejection because the material amounts of the components still fall within the scope of the claims.

Applicants have amended the claims to remove the Markush group for the binder resin but this does not negate the rejection because the now presented broader claims still are met by the reference. Applicants also traverse the rejection because Kasuya teaches the fluoropolymer

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in the protective layer, not in a charge transport layer as in the present invention. In response the Examiner notes that the protective layer in Kasuya appears to inherently have a charge transport character because it contains a charge transport component as part of the layer (i.e., a triphenylamine). It is a protective layer but it is also a charge transport layer that has each of the material requirements of the claimed charge transport layer. The claims do not exclude the presence of a protective layer as a charge transport layer and do not exclude plural charge transport layers. Kasuya still meets the requirements of the instant claims in this interpretation.

With respect to claim 29, the combined charge transport layer and protective layer in Kasuya also meets the requirements of this claim. Applicants appear to be taking the position that dispersed means homogeneously dispersed with respect to the fluoropolymer. The claims make no such requirement. Giving the claims their broadest reasonable interpretation includes the situation where the fluoropolymer is not homogeneously dispersed in the charge transport layer. Such an embodiment is taught by Kasuya for the reasons of record.

The claims as presented remain anticipated by Kasuya.

Claim Rejections - 35 USC § 103

Claims 8, 9, 11, 18, 22, 24, 25, 27, 28, 31-35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuya *et al.* in US Patent 5,480,759 320 in view of *Handbook of Imaging Materials*, to Diamond and Weiss, pp. 370-395 and 401-403.

Applicants traverse this rejection for the same reasons as given above for Kasuya in the section 102 rejection. The rejection will be maintained for the same reasons as discussed for that rejection.

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Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher RoDee whose telephone number is 571-272-1388. The examiner can normally be reached on most weekdays from 6:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cdr
8 August 2005



CHRISTOPHER RODEE
PRIMARY EXAMINER